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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

March 15, 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

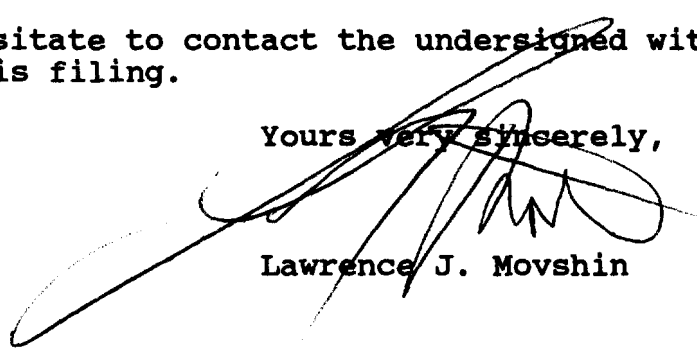
Re: PR Docket No. 93-61

Dear Sirs:

On behalf of KNOGO Corporation, I am herewith transmitting an original and four copies of its "Supplemental Comments" in the above-referenced proceeding. These Supplemental Comments are filed in response to the Public Notice DA 94-129.

Please do not hesitate to contact the undersigned with an questions concerning this filing.

Yours very sincerely,


Lawrence J. Movshin

cc (by messenger) (w/enc.):
Mr. Ralph Haller
Dr. Thomas Stanley
Mr. Richard Smith
Mr. John Borkowski
Mr. Richard Engelman
Mr. Michael Marcus

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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MAR 15 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

)
 Amendment of Part 90 of the
 Commission's Rules to Adopt
 Regulations For Automatic Vehicle
 Monitoring Systems)

PR Docket No. 93-61

RM-8013

To: The Commission

**SUPPLEMENTAL COMMENTS OF
 KNOGO CORPORATION**

KNOGO CORPORATION ("KNOGO"), by its attorneys, hereby
 comments on ex parte presentations and proposals of PacTel Teletrac (PacTel) and
 Southwestern Bell Mobile Systems, Inc. (SBMS) in the above-referenced
 proceeding.^{1/} KNOGO has been an active participant in this proceeding and
 therefore has a substantial interest in these new technical proposals for
 "reallocating" the band among and between narrowband and wide band systems.

Simply stated, neither PacTel nor SBMS has overcome the substantial
 evidence previously establishing that the public interest will not be served by the
 adoption of rules that will encourage the proliferation of new Location and
 Monitoring Service (LMS) systems. While the AVM industry may be entitled to the

^{1/} By Public Notice (DA 94-129, February 9, 1994) the Chief, Private Radio
 Bureau invited interested parties to comment on the issues raised by these
ex parte filings on or before February 25, 1994. By Order, the Chief of the
 Private Radio Bureau extended the time for filing to March 15, 1994, and
 confirmed that all aspects of these ex parte proposals were at issue.

removal of the long-standing "interim" cloud on the current regulations governing the use of the 902-928 MHz band for Automatic Vehicle Monitoring (AVM) systems, the further expansion of licensed systems and services in this band does not serve the public interest.

As KNOGO described in its comments in this proceeding,^{2/} the 902-928 MHz band has become a prime resource for the development of unlicensed wireless communications services and systems, including one line of KNOGO's anti-pilferage systems. With the strong encouragement of the Commission, this band has become a staple of the Part 15 manufacturing community, and has been the focal point for many advanced, non-licensed, low-power applications of wireless technology that have expanded the nation's wireless telecommunications capabilities. The growth of Part 15 uses was accomplished with the knowledge that some licensed uses, like AVM systems, might also co-exist. And PacTel's initial request that the cloud of "interim" status for the AVM rules was not inconsistent with the expectations of the Part 15 community.

But the Commission's proposal to substantially expand the licensed uses of this band, even with the further "refinements" set forth in the PacTel and SBMS ex parte presentations, creates far more problems. It exposes the band to an array of wideband and narrowband LMS applications that would adversely impact the band's general utility for low-power Part 15 applications. That is neither fair nor in the public interest; these approaches should again be rejected.

^{2/} KNOGO has participated in the earlier phases of this proceeding as part of the "Joint Clients" filing by Wilkinson, Barker, Knauer & Quinn.

Apparently concerned by the arguments of those Part 15 manufacturers who have opposed the Commission's proposal, PacTel now proposes to "give back" the 918-926 MHz portion of the band that was suggested for wideband LMS systems. Instead, it proposes to reserve the 902-912 MHz for wide band systems, to be shared by the first to construct and all subsequent systems. SBMS takes a different approach, proposing to limit wideband systems to four discrete 4-MHz channels dispersed throughout the band, but still allocating the entire band, including the middle portion not even available today, for narrowband or wideband LMS applications. PacTel gratuitously suggests that this approach will "improve[] the environment for Part 15 devices." SBMS similarly nods to its opponents in suggesting that "its AVM\LMS system should be able to coexist with primary users of the 902-928 MHz band and with Part 15 products that currently occupy the band." But neither provides any justification for these bald assertions.

For example, neither SBMS nor PacTel acknowledges that its proposal only addresses the use of the band for wideband AVM\LMS systems; this ignores the Commission's proposal (and SBMS's as well) to allocate the balance of the band to narrowband systems, virtually squeezing the Part 15 users out of the effective use of the spectrum. And neither PacTel nor SBMS discusses KNOGO's prime objections to the Commission's proposal: it broadens the eligible services and systems in the 902-928 MHz band under the umbrella of "LMS" without any clear justification. Neither of these ex parte proposals adds any evidence to

support this broad expansion of the use of this band from AVM applications to a variety of new and unknown services that might fit the definition of "location" and "monitoring."

In short, while these ex parte pleadings may address some of the AVM industry's technical concerns, neither SBMS' or PacTel's proposal provides a viable solution to all of the problems created for Part 15 manufacturers by the proposals in the Notice. These are simply new efforts to extend the use of the 902-928 MHz band beyond the limited AVM purposes for which the rules have been in place since the 1970s. As KNOGO has consistently urged, the current record does not support the need for expanding the licensed uses in this particular band, and the proposals first announced in the Notice of Proposed Rulemaking in this proceeding should therefore be rejected.

Respectfully submitted,

KNOGO CORPORATION

By: 

Lawrence J. Movshin

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Dated: March 15, 1994

CERTIFICATE OF SERVICE

I, Abby Gurewitz, an employee of Wilkinson, Barker, Knauer & Quinn, hereby certify that on this 15th day of March, 1994, copies of the foregoing "Supplemental Comments" were served via first class, United States mail, postage prepaid, on the following:

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